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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/382,373 08/24/99 PHILYAW

J PHL-24735

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TM02/0131

EXAMINER

KANG, P

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

09/382,373

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2152

1. The drawings are objected to because of the objections found in attached form PTO-948.

Correction is required. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McArthur, US Pat. No. 5,805,806.

McArthur discloses a method for launching a web browser application on a user's computer, comprising the steps of:

providing a browser application on the user's computer that is launchable in response to predetermined browser inputs being received by the user's computer (wireless keyboard inputs, col. 11, line 28-42);

providing a non-browser input that is not a portion of the set of predetermined browser inputs (col. 11, line 28-42);

correlating the non-browser input to simulate one or more of the predetermined browser inputs as a simulated browser input (col. 11, line 28-42); and

launching the web browser on the user's computer with this simulated browser input to access information on a network (col. 11, line 28-42).

Art Unit: 2152

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McArthur, US Pat. No. 5,805,806 in view of Call et al., US Pat. No. 5,913,210.

6. As to claims 2 and 3, McArthur teaches the invention substantially as claimed. McArthur teaches providing a first portion of the non-browser input that is generated local and external to the user's computer at the user's location (McArthur, col. 11, line 28-42).

However, McArthur does not explicitly teach providing a second portion of the non-browser input that is retrievable from a separate location than the first portion; and combining the first and second portions to provide the non-browser input.

Call teaches, in the analogous art of internet communications, a method of retrieving from a remote database a second portion and combines the first and second portions to access information on the network (Call, col. 1, lines 36 – 65 and col. 8, line 10 – col. 9, line 35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a method of combining a first and second portions to generate browser input as taught by Call into the system of McArthur for the purpose of efficiently transferring customized product data to requesting clients over the internet.

Art Unit: 2152

7. As to claim 4, McArthur-Call teaches a method wherein the step of providing the second portion comprises retrieving the second portion for a location on the network by accessing the network from the user's computer to an intermediate location on the network; retrieving the second portion therefrom and transferring the retrieved second portion back to the user's computer for use by the step of combining (Call, col. 3, lines 58-60).

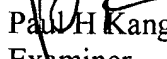
8. As to claim 5, McArthur-Call teaches providing reading a barcode (Call, col. 1, lines 36-50).

Art Unit: 2152

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2756

January 27, 2001


MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100